Public Prosecution Service of Canada | Service des poursuites pénales du Canada

Canada

Public Prosecution Service of Canada

Departmental Performance Report 2012-13

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Message from the Director of Public Prosecutions

I am pleased to present the *2012-13 Departmental Performance Report* of the Public Prosecution Service of Canada (PPSC).

The PPSC's mandate is to provide high-quality legal advice to investigative agencies and prosecute cases within federal jurisdiction. PPSC prosecutors and other staff fulfill this mandate in a manner that is fair, impartial, and objective, while handling a caseload of broad scope and complexity that includes many high-profile and significant files.

The report describes the PPSC's work in carrying out its mandate over the past year in each of its program areas. It also sets outs the progress that the PPSC has made in meeting its organizational priorities. In addition, this report outlines some of the challenges the PPSC faces and the measures it has taken to respond to these challenges.

PPSC staff are guided in their work by the PPSC's key values of integrity, excellence, respect and leadership. Through their hard work and dedication, they make an important contribution to the safety and justice of Canadian society.

Section I: Organizational Overview

Raison d'être

The Public Prosecution Service of Canada[1] (PPSC) is an independent prosecution service mandated to prosecute criminal and regulatory offences under federal jurisdiction. Its sole strategic outcome is the prosecution of these offences in a manner that is independent, impartial and fair.

The PPSC plays an integral role in the criminal justice system, promoting due process and working to safeguard the rights of all those who come into contact with the justice system.

The benefits to Canadians from the work carried out by the PPSC include:

- provision of timely and independent advice to federal investigative agencies and government departments on the criminal law implications of investigations and prosecutions;
- principled and independent decisions by prosecutors; and

- confidence in the administration of justice through professionally conducted prosecutions that result in judicial determinations on the merits of the evidence.

Responsibilities

The PPSC undertakes key duties on behalf of the Attorney General of Canada and the people of Canada. These key duties, to be carried out in an objective and non-partisan manner, are:

- **The duty to act independently in making decisions related to criminal prosecutions** – This constitutional principle recognizes that decisions as to whether a prosecution should be initiated, continued or ceased, be made solely in accordance with legal criteria related to whether there is evidence that indicates a reasonable prospect of conviction and an assessment of whether the public interest requires a prosecution. Considerations of a partisan political nature are expressly excluded from the consideration of the public interest.
- **The duty to act independently in providing prosecution-related legal advice** – While prosecution-related advice to law enforcement and other federal investigative agencies will take into account the agency's legal and policy setting, prosecutors cannot be drawn into the agency's policy making and program administration such that their ability to provide impartial, accurate and effective legal advice is undermined.

Areas of Prosecution

The PPSC prosecutes cases under federal statutes that are referred to it by the Royal Canadian Mounted Police (RCMP), other federal investigative agencies, and provincial and municipal police forces.

It is responsible for the prosecution of all drug offences initiated on behalf of the government of Canada under the *Controlled Drugs and Substances Act*, regardless of whether a federal, provincial, or municipal police agency lays the charges, in all provinces except Quebec and New Brunswick[2]. In the latter two provinces, the PPSC is responsible for drug charges laid by the RCMP only.

In all provinces and territories, the PPSC prosecutes offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act*, *Income Tax Act*, *Copyright Act*, *Canada Elections Act*, *Canadian Environmental Protection Act 1999*, *Competition Act*, *Customs Act*, *Excise Act*, and *Excise Tax Act*), offences involving fraud against the government, capital market fraud offences, along with conspiracies and attempts to violate any of these statutes. In total, the PPSC may be called upon to prosecute offences under over 250 federal statutes. However, the PPSC is called upon to regularly provide prosecution services under approximately 40 of those statutes.

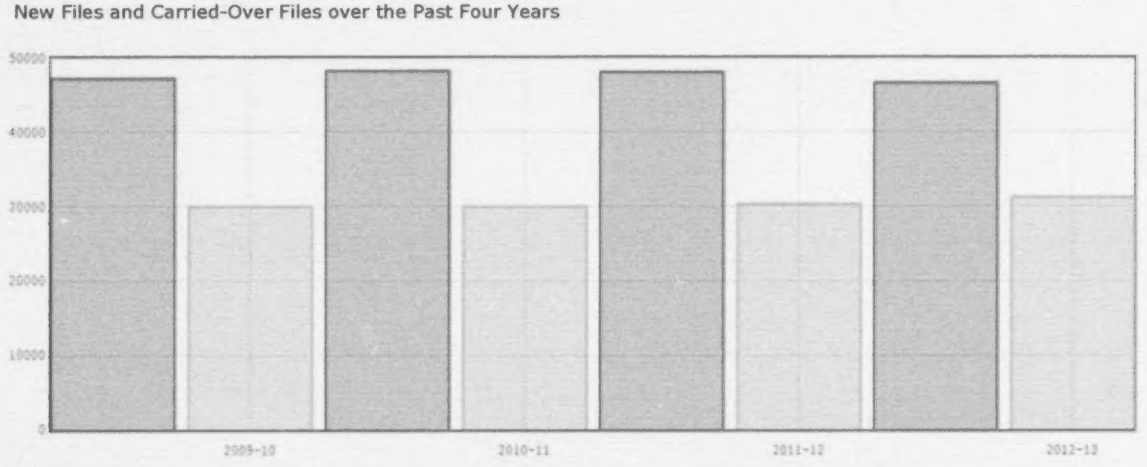
In the three territories, the PPSC prosecutes all *Criminal Code* offences as well as offences under all other federal legislation and certain territorial statutes. In the provinces, the PPSC has jurisdiction to prosecute certain *Criminal Code* offences, including those related to terrorism, criminal organizations, money laundering and proceeds of crime. Under arrangements with the provinces, the PPSC may prosecute *Criminal Code* offences that are otherwise within provincial jurisdiction when the accused also faces more serious charges within federal jurisdiction.

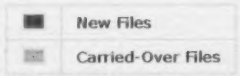
Performance information on each of these areas of prosecution can be found in section II of this document.

While the PPSC does not have authority to direct investigations, its core mandate includes providing prosecution-related advice to investigators for prosecutions within its jurisdiction. Such advice is crucial to ensure that investigative techniques and procedures are consistent with evolving rules of evidence and with protections under the *Canadian Charter of Rights and Freedoms*. The advantage of early prosecutorial advice is that it reduces the risk that investigative decisions, such as those about methods of obtaining evidence, will detrimentally affect the admissibility of evidence at trial or the constitutional rights of Canadians.

The PPSC handled 77,926 litigation files in 2012-13, compared to 78,473 litigation files handled in the previous year. The total for 2012-13 included 46,685 files opened during the year as well as 31,241 files carried over from previous years.

Figure 1 - New Files and Carried-Over Files over the Past Four Years



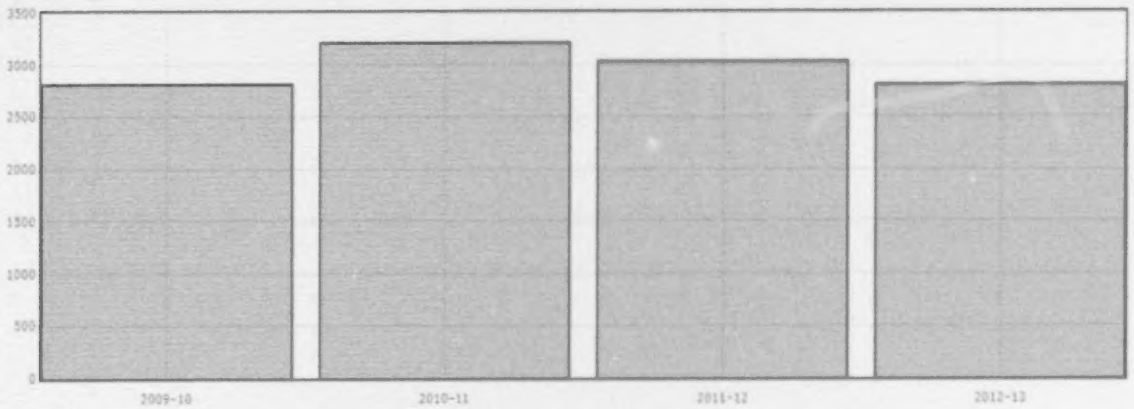


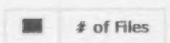
► *New Files and Carried-Over Files over the Past Four Years Table*

In recent years, the number of files handled by the PPSC has levelled off. However, the amount of prosecutors' time spent on highly complex files has remained high over this period. Prosecutors spend a significant amount of time on a relatively small number of complex and time-consuming files (Figure 2). Such files include terrorism prosecutions, organized crime prosecutions, and regulatory prosecutions.

Figure 2

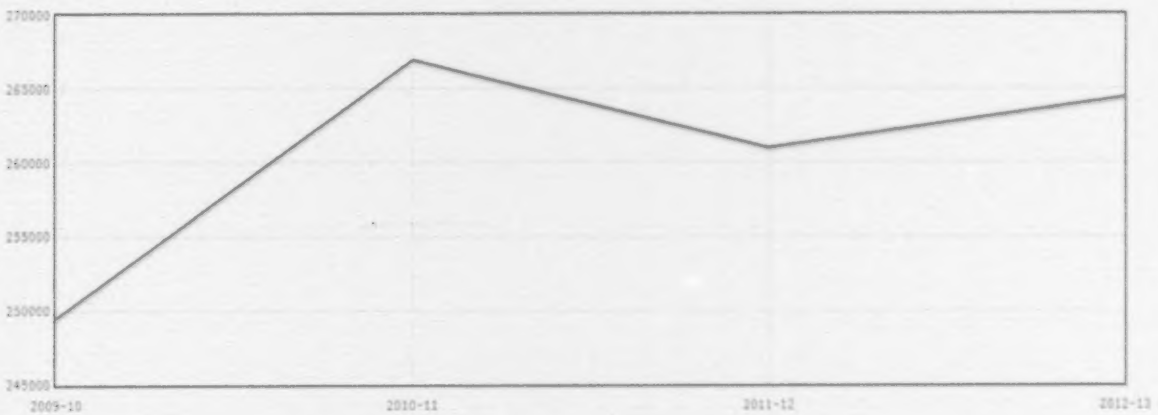
Mega/High Complexity # of Files

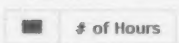




► *Mega/High Complexity # of Files Table*

Mega/High Complexity Time





► *Mega/High Complexity Time Table*

Approximately 91% of all litigation files were within the drug, *Criminal Code* and terrorism offences prosecution program, whereas 9% were within the regulatory offences and economic crime program.

Figure 3 provides a breakdown of files handled in 2012-13 by offence type[1], whereas Figure 4 indicates the number of hours recorded by prosecutors and paralegals on litigation files in the same offence type categories.

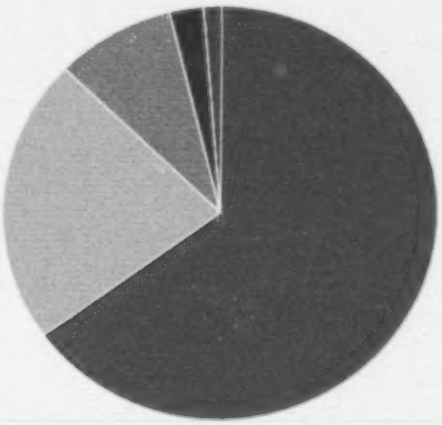
Overall, PPSC legal staff and agents recorded a total of 925,772 hours on litigation files handled in 2012-13. However, the total number of hours shown in Figure 4 exceeds this total by 314,294 hours as individual litigation files often include multiple offences falling under more than one offence type. For example, most files involving proceeds of crime and offence-related property would be linked to files involving drug offences.

The PPSC does not control the number or type of cases referred to it for prosecution by the police and investigative agencies that lay charges under federal statutes. Its workload is largely based on these agencies' decisions regarding investigative priorities, tactics and

resource allocations. As a result, increases in enforcement resources affect the nature and volume of the PPSC's caseload. Similarly, changes in police tactics to focus on the upper echelons of organized crime groups rather than on individuals in the lower ranks affect the complexity, duration and cost of prosecutions.

Figure 3 - Files by Offence Type – all PPSC offices

Files by Offence Type – All PPSC regional offices

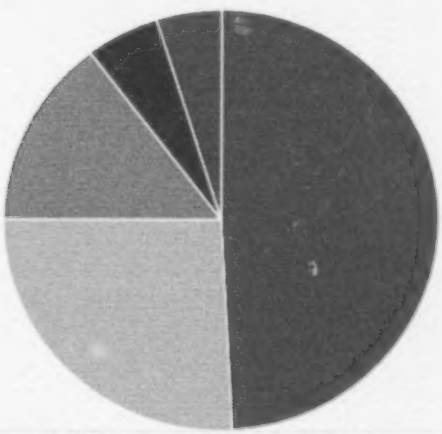


	Files Involving Drug-Related Offences (58,783) (65%)
	Files Involving Criminal Code Offences (20,186) (22%)
	Files Involving Regulatory Offences and Economic Offenses (8,062) (9%)
	Files Involving Proceeds of Crime and Offence-Related Property (2,291) (3%)
	Files Involving Other Offence Types (1,238) (1%)

► *Files by Offence Type – All PPSC regional offices Table*

Figure 4 - Time (Hours) Spent by Offence Type – all PPSC offices

Time (Hours) Spent by Offence Type – all PPSC offices



	Files Involving Drug-Related Offences (608,970) (49%)
	Files Involving Criminal Code Offences (321,266) (26%)
	Files Involving Regulatory Offences and Economic Offenses (181,356) (15%)
	Files Involving Proceeds of Crime and Offence-Related Property (68,084) (5%)
	Files Involving Other Offence Types (60,390) (5%)

► *Time (Hours) Spent by Offence Type – all PPSC offices Table*

Organization

The PPSC is a national prosecution service with a network of offices across Canada. As of March 31, 2013, the PPSC had 1,024 employees, the majority of whom were staff prosecutors, paralegals, Crown Witness Coordinators[4] in its northern offices, and the support staff who assist them. The remainder included senior managers, administrators and corporate services staff.

The PPSC also retains the services of private-sector legal agents in locations where it does not have an office or where it is impractical or otherwise not cost-effective for staff counsel to handle cases. The work of agents is primarily in the area of drug prosecutions and is overseen by the PPSC's Agent Affairs Program. The Program includes a centralized support unit at headquarters, as well as agent supervision units located in each regional office which are responsible for the day-to-day management of agents. The PPSC currently retains some 205 standing agent firms across Canada, representing approximately 450 individually appointed counsel. Agents are retained under fixed-term agreements. Any law firm or lawyer interested in becoming an agent can apply for a five-year term when an opening occurs.

Strategic Outcome and Program Alignment Architecture

The PPSC has one strategic outcome (SO) as illustrated in its Program Alignment Architecture (PAA) below. It has two broad prosecution programs (P) and internal services.

2013-14 Program Alignment Architecture

- O - Office of the Director of Public Prosecutions
  - SO - Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.
    - P - Drug, *Criminal Code*, and terrorism prosecution program
    - P - Regulatory offences and economic crime prosecution program
  - SO - The following program supports all strategic outcomes within this organization.
    - P - Internal Services

Organizational Priorities

Priority	Type	Programs
Advancing the PPSC's relationships with investigative agencies.	New	• Drug, *Criminal Code* and Terrorism Prosecution Program • Regulatory Offences and Economic Crime Prosecution Program

Summary of Progress

What progress has been made towards this priority?

- This priority was met.
- The PPSC recognizes the importance of maintaining collaborative relationships with the police and investigative agencies that investigate alleged offences and lay charges. The PPSC also recognizes the value of respecting the independence of each organization. Good relationships with investigative agencies ensure that both the PPSC and the agencies exercise their respective roles independently, but co-operatively, and help to maximize the PPSC's effectiveness and efficiency as a prosecutorial service.
- In June 2012, the PPSC implemented service standards that establish what police and federal investigative agencies may expect from PPSC legal staff regarding matters such as the PPSC's normal business hours, response time following a request for a legal opinion, and when they can expect to be consulted by the PPSC. Mechanisms and tools to monitor the implementation of the service standards are being developed in consultation with Chief Federal Prosecutors.
- The PPSC continues to participate in interagency committees and working groups, including the Integrated Market Enforcement Team (IMET) Executive Committee and the Securities Fraud and Economic Crime Prosecutors Affiliation. The PPSC also holds bilateral meetings with the RCMP and other investigative agencies at least annually to discuss investigations, prosecutions, legal issues, and respective roles and responsibilities. Ongoing consultations with respect to particular files are also held as required.
- The PPSC has entered into memorandums of understanding (MOU) with several investigative agencies which set out roles and responsibilities and affirm the PPSC's independence as a prosecutorial service

Priority	Type	Programs
Engagement and employee development	New	• Drug, *Criminal Code* and Terrorism Prosecution Program • Regulatory Offences and Economic Crime Prosecution Program • Internal Services

Summary of Progress

What progress has been made towards this priority?

- In 2012–13, the PPSC began the adoption of the Common Human Resources Business Process, which will help to deliver human resources services more effectively.
- The PPSC Public Service Employee Survey Action Plan was approved and communicated to all staff in November 2012 and regional action plans were collected to further expand on activities to address survey findings.

Priority	Type	Programs

- The Federal Prosecutor Development Program, a comprehensive program of training, mentoring, and on-the-job activities for new prosecutors, was launched in the spring of 2013 and will be phased in over the coming year.
- The PPSC developed tools to better track learning initiatives and investments. The PPSC also increased its attention to less formal types of training, such as mentoring. Through its partnership with the Department of Justice Canada, the introduction of mentoring tools have increased the efficiency of participant matching and a new communication strategy targeted at new mentors and existing participants has increased participation in the program.

Priority	Type	Programs
Resourcing and performance measurement	Ongoing	• Drug, *Criminal Code* and Terrorism Prosecution Program • Regulatory Offences and Economic Crime Prosecution Program • Internal Services

Summary of Progress

What progress has been made towards this priority?

- This priority was met.
- The PPSC relies on data drawn from its case management system for both planning and reporting purposes. Modifications brought to this system in 2012–13 focused on improving the capture of data on, for example, what charges were laid and when, as well as information on charges that carry minimum mandatory penalties. Such changes enhance the PPSC's capacity to report on prosecution activities in greater detail.

Priority	Type	Programs
Security	Ongoing	• Drug, *Criminal Code* and Terrorism Prosecution Program • Regulatory Offences and Economic Crime Prosecution Program • Internal Services

Summary of Progress

What progress has been made towards this priority?

- This priority was met.
- The PPSC Strategic Security Plan has been approved and will be implemented within the next two fiscal years.
- Over the course of the year, the PPSC responded to reported incidents of intimidation through its Employee Protection Program, which provides protective measures for staff who face threats as a result of their work. The Security Services Section participated in the design of PPSC offices in order to ensure that physical security features were incorporated during office improvement projects. A number of awareness sessions were offered to offices across the country in order to increase employee awareness about security practices and policies regarding security of employees and offices.
- Measures undertaken to protect information included awareness sessions on information management and security marking of documents in compliance with the *Security of Information Act* and the Policy on Information Management. As well, the Security Section provided advice and operational support across the country on access control and employee identification, procurement of secure cabinets and containers, and screening for security clearances of personnel.

Risk Analysis

Risk	Risk Response Strategy	Link to Program Alignment Architecture	Link to Organizational Priorities
Due to the nature of their work, PPSC employees may be exposed to threats and intimidation	• This risk was identified in the 2012-13 RPP. • Security risks are being mitigated through the implementation of the Employee Protection Program. Work began during 2012-13 to develop the program and once fully implemented it will help prevent and respond to threats and incidents of intimidation against employees	• Drug, *Criminal Code* and Terrorism Prosecution Program • Regulatory Offences and Economic Crime Prosecution Program • Internal Services	Security

Risk	Risk Response Strategy	Link to Program Alignment Architecture	Link to Organizational Priorities
Increases in enforcement resources may affect the nature and volume of the PPSC's caseload	• This risk was identified in the 2012-13 RPP and in previous reports. • It is being mitigated by maintaining close communication with the police and other investigative agencies on upcoming priorities, the development of tools such as the Report to Crown Counsel guide and increased training for police and other investigative agencies to help ensure that less experienced investigators are more familiar with the various ways PPSC prosecutors can be of assistance to them during their investigations.	• Drug, *Criminal Code* and Terrorism Prosecution Program • Regulatory Offences and Economic Crime Prosecution Program	Resourcing and performance measurement
The globalization of crime networks poses significant dangers to national and global security	• This risk was identified in the 2012-13 RPP and in previous reports. • The PPSC will continue to work with other prosecution services, including with individual prosecutors, international bodies such as the International Association of Prosecutors, to promote effective sharing of information among international partners. This has been particularly effective in relation to United States Attorneys in the context of Canada-USA investigative files and prosecutions.	• Drug, *Criminal Code* and Terrorism Prosecution Program • Regulatory Offences and Economic Crime Prosecution Program	N/A

Summary of Performance

Financial Resources – Total Departmental ($ millions)

Total Budgetary Expenditures (Main Estimates) 2012–13	Planned Spending 2012–13	Total Authorities (available for use) 2012–13	Actual Spending (authorities used) 2012–13	Difference (Planned vs. Actual Spending)
174.3	178.0	183.0	163.4	14.6

Human Resources (Full-Time Equivalents — FTEs)

Planned 2012–13	Actual 2012–13	Difference 2012–13
1000	949	51

Performance Summary Table for Strategic Outcome and Programs ($ millions)

Strategic Outcome: Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner

Program	Total Budgetary Expenditures (Main Estimates 2012-13)	Planned Spending			Total Authorities (available for use) 2012-13	Actual Spending (authorities used)			Alignment to Government of Canada Outcomes
		2012-13	2013-14	2014-15		2012-13	2011-12	2010-11	
Drug, *Criminal Code* and Terrorism Prosecution Program	130.7	129.6	130.7	124.9	132.8	122.7	117.1	111.9	Social Affairs: A safe and secure Canada
Regulatory Offences and Economic Crime Prosecution Program	18.8	19.8	16.6	16.2	19.4	14.5	14.0	13.1	

Program	Total Budgetary Expenditures (Main Estimates 2012-13)	Planned Spending			Total Authorities (available for use) 2012-13	Actual Spending (authorities used)			Alignment to Government of Canada Outcomes
		2012-13	2013-14	2014-15		2012-13	2011-12	2010-11	
Strategic Outcome Sub-Total	**149.5**	**149.4**	**147.3**	**141.1**	**152.2**	**137.2**	**131.1**	**125.0**	

Performance Summary Table for Internal Services ($ millions)

Internal Services	Total Budgetary Expenditures (Main Estimates 2012-13)	Planned Spending			Total Authorities (available for use) 2012–13	Actual Spending (authorities used)		
		2012-13	2013-14	2014-15		2012-13	2011-12	2010-11
	24.8	28.6	22.1	21.4	30.8	26.2	25.3	21.3
Sub-Total	**24.8**	**28.6**	**22.1**	**21.4**	**30.8**	**26.2**	**25.3**	**21.3**

Total Performance Summary Table ($ millions)

Strategic Outcome and Internal Services	Total Budgetary Expenditures (Main Estimates 2012-13)	Planned Spending			Total Authorities (available for use) 2012–13	Actual Spending (authorities used)		
		2012-13	2013-14	2014-15		2012-13	2011-12	2010-11
	174.3	178.0	169.4	162.5	183.0	163.4	156.4	146.3
Total	**174.3**	**178.0**	**169.4**	**162.5**	**183.0**	**163.4**	**156.4**	**146.3**

The increase from the 2012-13 Main Estimates to the Planned Spending and to the Total Authorities is attributable to additional funding received for initiatives, new and renewed collective agreements, severance pay and unspent funds from 2011-12.

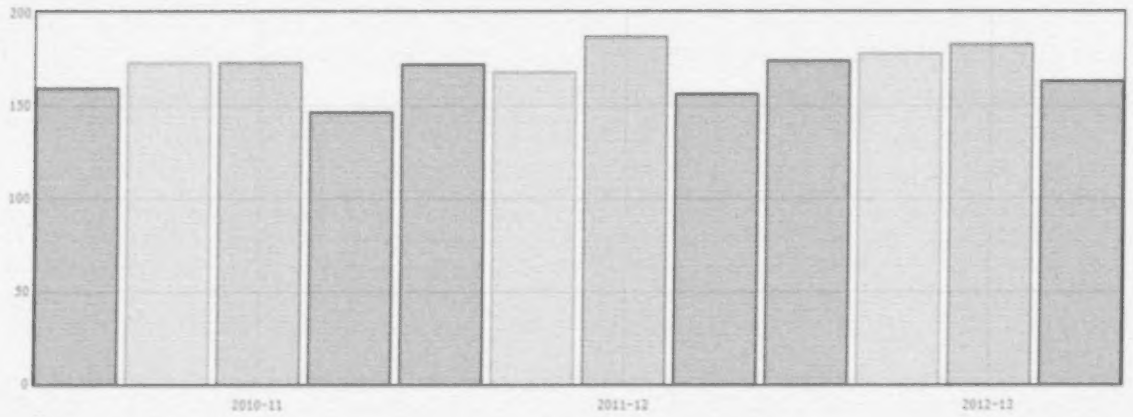
The decrease between the 2012-13 Total Authorities and Actual Spending is due to funds withheld to contribute to the Government's deficit reduction efforts ($7 million), unused contingency and operating funds for the IMET ($3.3 million), funds redistributed to 2013-14 for the relocation of offices ($4 million) and for the operating budget ($5.3 million).

Expenditure Profile

PPSC spending has varied from year to year due to withheld funds included in the total authorities but excluded from the actual spending. Figure 5 below illustrates the PPSC's spending trend (in millions) in Main Estimates, Planned Spending, Total Authorities and Actual Spending from 2010-11 to 2012-13.

Figure 5

PPSC's spending trend (in millions)



	Main Estimates
	Planned Spending
	Total Authorities
	Actual Spending

► *PPSC's spending trend (in millions) Table*

Notes:

[1] Main Estimates figures are as reported in the Main Estimates for each respective year.

[2] Planned Spending figures are as reported in the respective Report on Plans and Priorities (RPP). Planned Spending reflects funds already brought into the PPSC's reference levels as well as funding approved in the government fiscal plan, but yet to be brought into the reference levels, at the time of the respective Report on Plans and Priorities.

[3] Total Authorities reflect Main Estimates plus adjustments comprised of Supplementary Estimates and allotment transfers, adjustments to statutory amounts to equal actual spending, and internal adjustments and transfers, as reported in Public Accounts.

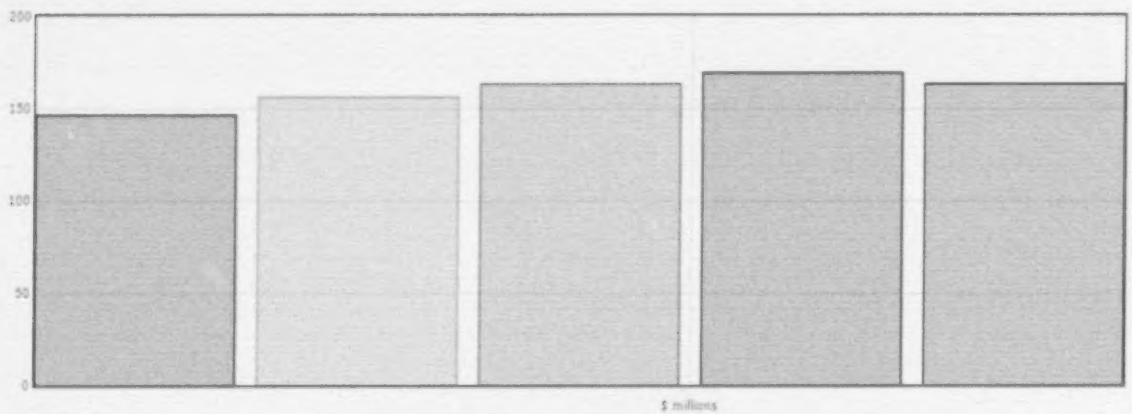
[4] Actual Spending represents the actual expenditures incurred during each respective fiscal year, as reported in Public Accounts.

[5] Budget 2010 and 2012 reductions were not included in the Main Estimates, RPP and Total Authorities information. These adjustments were reflected in Actual Spending.

Figure 6 below depicts the PPSC's spending trend over a five-year period. For the period from 2010-11 to 2012-13, Actual Spending represents the actual expenditures as reported in the Public Accounts. For 2013-14 and 2014–15, Planned Spending reflects approved funding by Treasury Board to support the programs taking into account the reductions attributable to Budget 2010 and 2012 decisions.

Figure 6

PPSC's spending trend over a five-year period



	2010-11 Actual Spending
	2011-12 Actual Spending
	2012-13 Actual Spending
	2013-14 Planned Spending
	2014-15 Planned Spending

► *PPSC's spending trend over a five-year period Table*

As seen in the charts above, the PPSC's spending from 2010-11 to 2013-14 is planned to increase from $146 million to $169 million or by 16% mainly due to additional funding received for different initiatives as well as new and renewed collective agreements.

The decrease in planned spending from 2013-14 to 2014-15 is primarily due to government decisions in Budget 2010 and 2012 and the ending of the funding for the relocation of offices.

Estimates by Vote

For information on the Public Prosecution Service of Canada's organizational Votes and/or statutory expenditures, please see the ***Public Accounts of Canada 2013 (Volume II)***. An electronic version of the Public Accounts 2013 is available on the **Public Works and Government Services Canada** website.

Section II: Analysis of Programs by Strategic Outcome

Strategic Outcome

Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner

Performance Indicators	Targets	Actual Results
Number and nature of judicial stays for abuse of process based on the conduct of a federal prosecutor	Zero	Zero
Number and nature of successful malicious prosecution lawsuits	Zero	Zero
Number and nature of substantiated complaints regarding the PPSC's independence, impartiality or fairness	Zero	Zero

Judicial stays for abuse of process involve a disposition where the court does not allow a prosecution to proceed because of objectionable police or prosecutorial conduct and/or a violation of the rights of the accused.

Plaintiffs suing Crown prosecutors for malicious prosecution must prove, among other matters, that the prosecution was undertaken without reasonable and probable cause, and was motivated by malice or a primary purpose other than that of carrying the law into effect.

Complaints regarding the PPSC's independence, impartiality or fairness may be made to the courts or to the PPSC under its Complaints Policy. The PPSC Complaints Policy came into effect in October 2012, and is available on the PPSC's Internet site.

The PPSC achieved its performance targets with respect to its Strategic Outcome, as indicated by the fact that no instances of these indicators occurred during 2012-13, or during any year since its creation.

Programs

The role of a prosecutor is not to win a conviction at any cost but to put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of the accused. Hence, the performance indicators and results for both the Drug, *Criminal Code* and Terrorism Prosecution Program (P1) and the Regulatory Crime and Economic Prosecution Program (P2) are based on the extent to which prosecutions result in a determination on the merits of the evidence.

The PPSC considers that a case is decided on its merits when:

- a judge or jury determines the guilt or innocence of an accused person after a trial;
- a judge determines after a guilty plea that a conviction or discharge is appropriate; or
- a Crown prosecutor stays or withdraws a charge as a result of an assessment that the case does not meet the test for prosecution, or as result of a plea of guilty being entered to a serious charge rendering proceedings on a less serious charge redundant.

Cases not decided on the merits are those that are stayed or quashed by the Court, and for which, as a result, there is no outcome decided by a judge or jury based on the evidence of guilt or innocence. A judicially imposed stay will generally mean discontinuance or permanent suspension of the proceedings.

The following pages describe the PPSC's programs, with results achieved and performance highlights for 2012-13.

Program 1: Drug, *Criminal Code* and Terrorism Prosecution Program

This program supports the protection of society against crime through the provision of legal advice and litigation support during police investigations, and the prosecution of: (1) all drug offences under the *Controlled Drugs and Substances Act* (CDSA) and any related organized crime offences throughout Canada, except in Quebec and New Brunswick, where the PPSC prosecutes such offences only where charges are laid by the RCMP; (2) proceeds of crime offences; (3) pursuant to understandings with the provinces, *Criminal Code* offences where they are related to drug charges; (4) all *Criminal Code* offences in the three territories; (5) terrorism offences; and (6) war crimes and crimes against humanity offences. This program activity also involves the promotion of federal/provincial/territorial cooperation on criminal justice issues of mutual concern.

Financial Resources ($ millions)

Total Budgetary Expenditures (Main Estimates) 2012–13	Planned Spending 2012–13	Total Authorities (available for use) 2012–13	Actual Spending (authorities used) 2012–13	Difference* (Planned vs Actual) 2012–13
130.7	129.6	132.8	122.7	6.9

* The difference is mainly due to increased planned spending for Employee Benefit Plans and lapsing of operating funds.

Human Resources (FTEs)

Planned 2012–13	Actual 2012–13	Difference 2012–13
635	665	-30

Performance Results

Expected Results	Performance Indicators	Targets	Actual Results		
Litigation files that are prosecuted are decided on merit	Percentage of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other/ lesser offence), conviction, conviction (other / lesser offence), discharge, withdrawal of charge, stay of proceedings (Crown), acquittal)	Not Applicable	Decisions	# of files	% of total files
			Guilty Plea	18,235	55.87%
			Guilty Plea (Other/Lesser Off.)	910	2.79%
			Conviction	2,305	7.06%
			Conviction (Other/Lesser Off.)	91	0.28%
			Discharge	299	0.92%
			Withdrawal of Charge	6,967	21.35%
			Stay of Proceedings (Crown)	3,154	9.66%
			Acquittal	678	2.08%
			Total	**32,639**	**100.00%**
Disposition of cases that are not decided on merit	Percentage of litigation files not decided on merit, i.e., judicial stay of proceedings, quashed	Not Applicable	Decisions	# of Files	% of total files
			Judicial Stay of Proceedings	85	98.84%
			Quashed	1	1.16%
			Total:	**86**	**100.00%**

Performance Analysis and Lessons Learned

Drug prosecution files represent a significant proportion of the PPSC's total caseload. In 2012–13, the PPSC handled 58,793 prosecution files related to offences under the CDSA. Of those, 33,647 prosecutions were new and 25,146 were carried over from previous years. These prosecutions vary greatly in complexity; many are simple cases of possession of small quantities of marihuana, while others involve complex schemes to import large quantities of cocaine or to manufacture methamphetamine for domestic use or for export.

Cases targeting criminal organizations have increased in recent years, largely as a result of police forces focusing more of their efforts on investigations of such organizations. Trafficking in drugs is one of the key activities of most organized crime groups. In 2012–13, the PPSC handled 459 serious drug offence-related files that included criminal organization charges under the *Criminal Code*. This represents a 5.3% increase over the 436 such files handled in 2011–12.

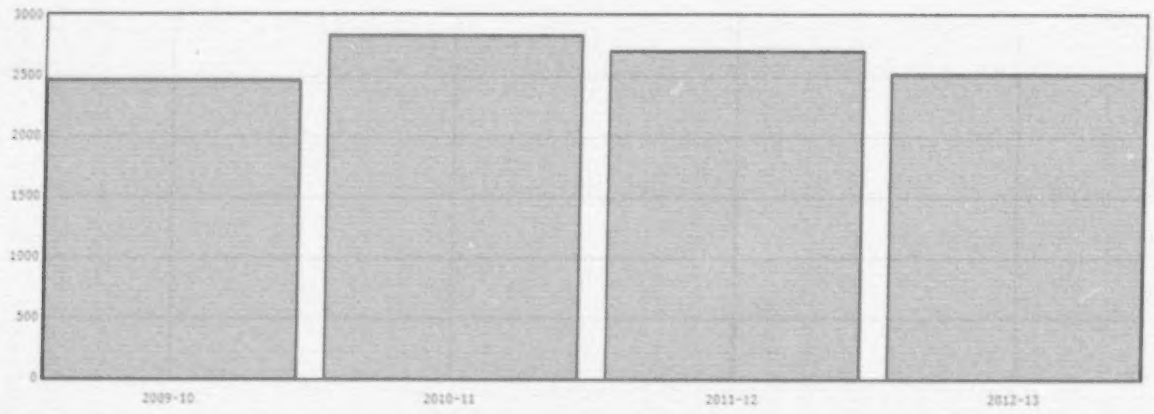
High-complexity drug cases require a significant amount of PPSC resources. These prosecutions can involve pre-trial litigation of such issues as the legality of the investigation, the constitutionality of the legislation or of the investigation, disclosure, allegations of abuse of process, and unreasonable delay. While high-complexity files represented only 2.04% of staff counsel's drug caseload in 2012–13, they took up 37.4% of the time dedicated to drug prosecutions. This represents a decrease in demand upon prosecutors' time of 1.1% from 2011–12 but an increase of 9% since 2007–08 (the PPSC's first full year of operation after its creation in December 2006).

Drug offences are frequently revenue-generating crimes, and thus continue to represent the majority of offences prosecuted by the PPSC that lead to the forfeiture of proceeds of crime and of the property used to commit the crime ("offence-related property"). In 2012–13, the PPSC handled 2,291 cases involving either proceeds of crime or offence-related property (1,425 were carried over from previous years, and 866 were new). The proceeds or property at issue ranged from the money used to buy drugs from an undercover officer to real estate bought with proceeds of crime or used to produce drugs. A total of $38.8 million of proceeds of crime and offence related property was forfeited during 2012–13.

The following charts (Figure 7) indicate the number of files and time spent by level of complexity for all litigation files handled over the past four fiscal years under the Drug, *Criminal Code* and Terrorism Prosecution Program.

Figure 7

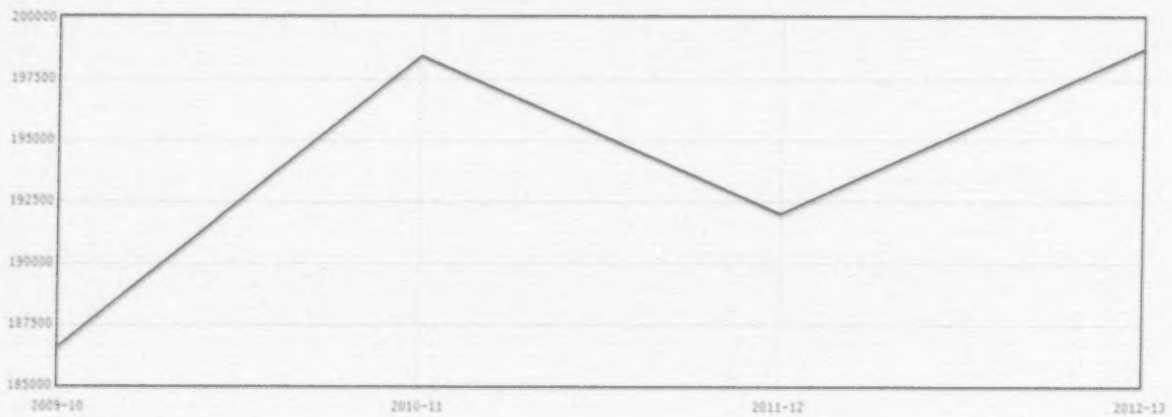
Mega/High Complexity # of P1 Files



# of Files

► *Mega/High Complexity # of P1 Files Table*

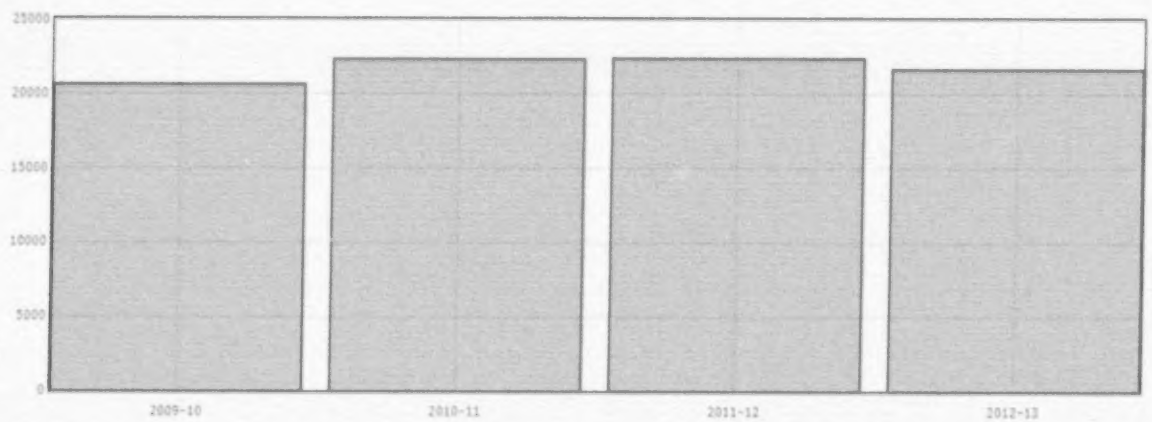
Mega/High Complexity P1 Time



# of Hours

► *Mega/High Complexity P1 Time Table*

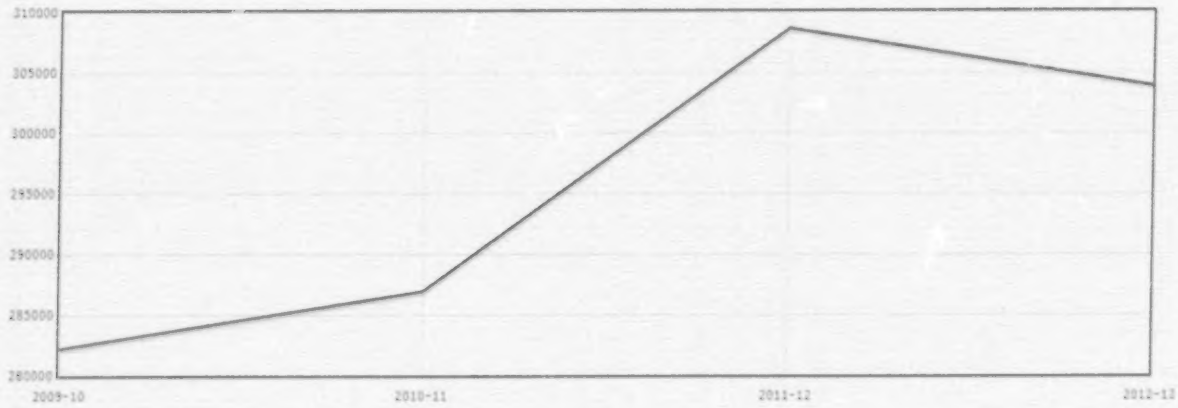
Moderate Complexity # of P1 Files



# of Files

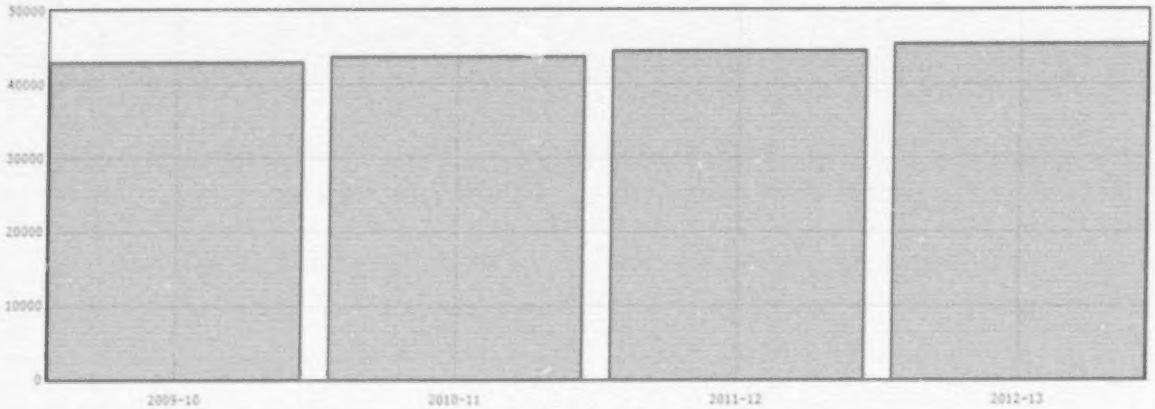
► *Moderate Complexity # of P1 Files Table*

Moderate Complexity P1 Time



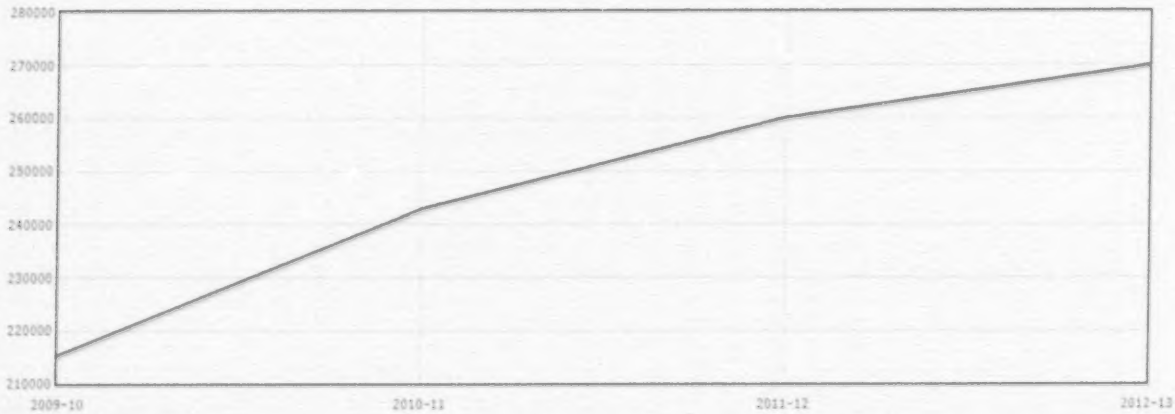
► *Moderate Complexity P1 Time Table*

Low Complexity # of P1 Files



► *Low Complexity # of P1 Files Table*

Low Complexity P1 Time



► *Low Complexity P1 Time Table*

Finally, the PPSC received delegations from France, the Netherlands and China to discuss subjects such as the organizational structure of

the PPSC, prosecutorial independence as well as approaches to investigating and prosecuting serious crimes that fall under these areas of prosecution.

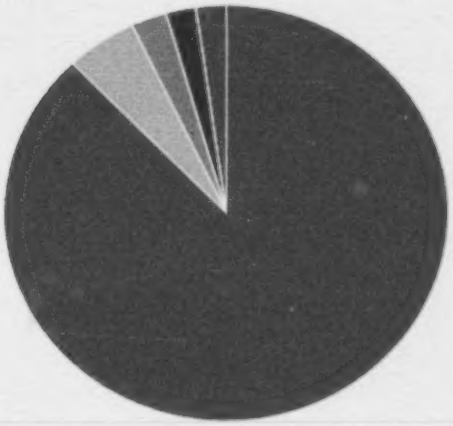
Prosecutions in Canada's North

In Canada's three Northern territories, the PPSC prosecutes all *Criminal Code* offences, in addition to offences under other federal legislation and under territorial legislation. In 2012–13, the PPSC was responsible for 9,243 files in the territories, of which 8,559 involved *Criminal Code* offences. Of those files, 7,311 were new, and 1,932 were carried over from previous years. Northern prosecutions included 504 drug offences, 214 regulatory offences, and 254 territorial offences. Some files involved multiple offences. Of the *Criminal Code* files, 53 were homicide or attempted murder files. Figures 8 and 9 below illustrate the distribution of, and time spent on, files by offence type in the North, whereas Figures 10 and 11 provide a further breakdown for *Criminal Code* offences.

Files and Time Spent by Offence Type in the Northern Territories (2012-13)

Figure 8 - % Files by Offence Type

% Files by Offence Type

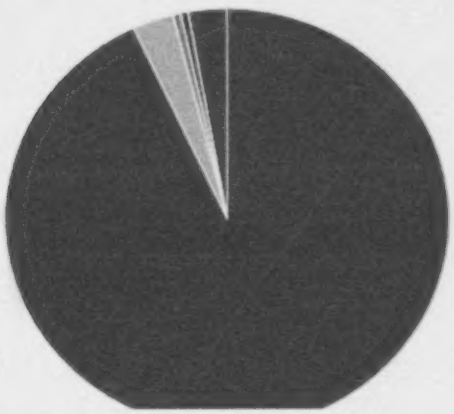


	Files Involving Criminal Code Offences, including Homicides and Attempted Murder (8,559) (88%)
	Files Involving Drug-Related Offences (504) (5%)
	Files Involving Territorial Offenses (254) (3%)
	Files Involving Regulatory Offences and Economic Offenses (214) (2%)
	Files Involving Other Offence Types (216) (2%)

► *% Files by Offence Type Table*

Figure 9 - % Time (Hours) Spent by Offence Type

% Time (Hours) Spent by Offence Type



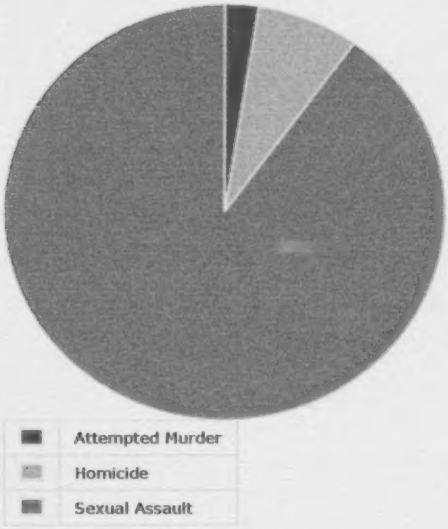
	Files Involving Criminal Code Offences, including Homicides and Attempted Murder (85,825) (93.1%)
	Files Involving Drug-Related Offences (2,731) (3.0%)
	Files Involving Territorial Offenses (541) (0.6%)
	Files Involving Regulatory Offences and Economic Offenses (495) (0.5%)
	Files Involving Other Offence Types (2,592) (2.8%)

► *% Time (Hours) Spent by Offence Type Table*

Files and Time Spent by Offence Type in the Northern Territories: Breakdown of *Criminal Code* offences (Attempted Murder, Homicide and Sexual Assault) - (2012-13)

Figure 10 - % Files by Offence Type

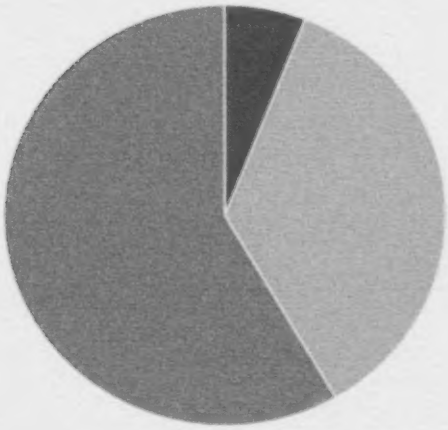
% Files by Offence Type

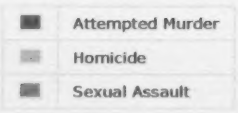


► *% Files by Offence Type Table*

Figure 11 - % Time (Hours) Spent by Offence Type

% Time (Hours) Spent by Offence Type





► *% Time (Hours) Spent by Offence Type Table*

Program 2: Regulatory Offences and Economic Crime Prosecution Program

This program supports the protection of society against crime through the provision of legal advice and litigation support to police and federal investigative agencies, and the prosecution of: (1) offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act*, *Income Tax Act*, *Copyright Act*, *Canada Elections Act*, *Canadian Environmental Protection Act 1999*, *Competition Act*, *Customs Act*, *Excise Act*, and *Excise Tax Act*); (2) offences involving fraud against the federal government; (3) capital market fraud offences; and (4) conspiracies and attempts to violate any of these statutes. This program also includes the recovery of outstanding federal fines and the promotion of federal/provincial/territorial cooperation on criminal justice issues of mutual concern.

Financial Resources ($ millions)

	Total Budgetary Expenditures (Main Estimates) 2012–13	Planned Spending 2012–13	Total Authorities (available for use) 2012–13	Actual Spending (authorities used) 2012–13	Difference* (Planned vs Actual) 2012–13
Gross	32.5	33.5	33.5	28.6	4.9
Less Respendable revenues	13.7	13.7	14.1	14.1	(0.4)
Net	18.8	19.8	19.4	14.5	5.3

* The difference is mainly due to unused contingency and operating funds for the IMET and lapsed funds.

Human Resources (FTEs)

Planned 2012–13	Actual 2012–13	Difference 2012–13
216	169	47

Performance Results

Expected Results	Performance Indicators	Targets	Actual Results		
Litigation files that are prosecuted are decided on merit	Percentage of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other/ lesser offence, conviction, conviction (other / lesser offence), discharge, withdrawal of charge, stay of proceedings (Crown) acquittal)	Not Applicable	Decisions	# of files	% of total files
			Guilty Plea	1,906	66.09%
			Guilty Plea (Other/Lesser Off.)	29	1.01%
			Conviction	448	15.53%
			Conviction (Other/Lesser Off.)	4	0.14%
			Discharge	36	1.25%
			Withdrawal of Charge	207	7.18%
			Stay of Proceedings (Crown)	176	6.10%
			Acquittal	78	2.70%

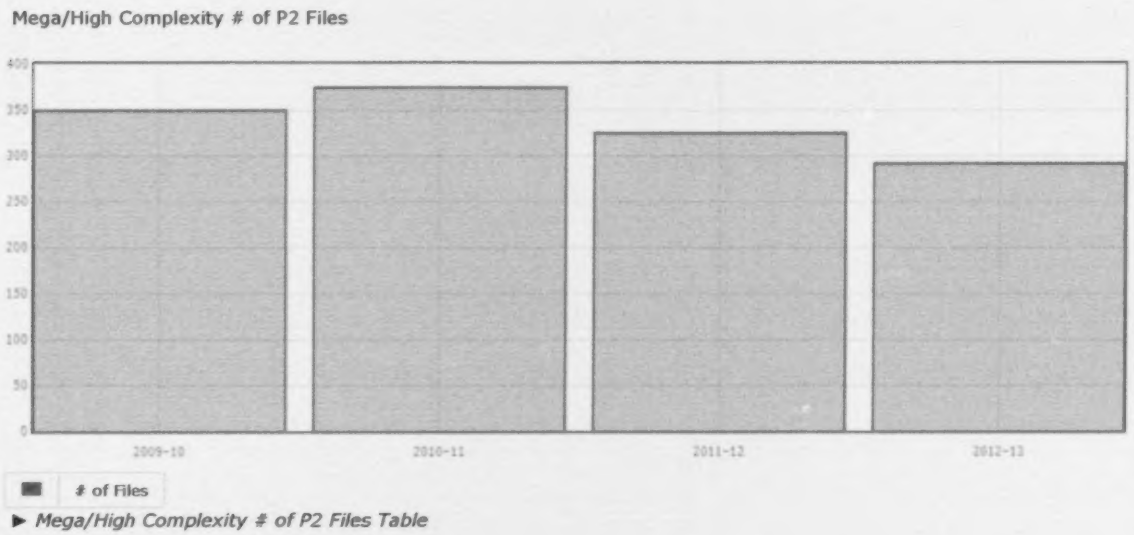
Expected Results	Performance Indicators	Targets	Actual Results		
			Total:	**2,884**	**100.00%**
Disposition of cases that are not decided on merit	Percentage of litigation files not decided on merit, i.e., judicial stay of proceedings, quashed	Not Applicable	Decisions	# of Files	% of total files
			Judicial Stay of Proceedings	11	100.00%
			Quashed	0	0.00%
			Total:	**11**	**100.00%**

Performance Analysis and Lessons Learned

The PPSC provides prosecution services related to legislation aimed at protecting the environment and the health, safety, economic security, and general welfare of the public. Some offences in this category require evidence of *mens rea* (criminal intent), while others are strict liability offences.

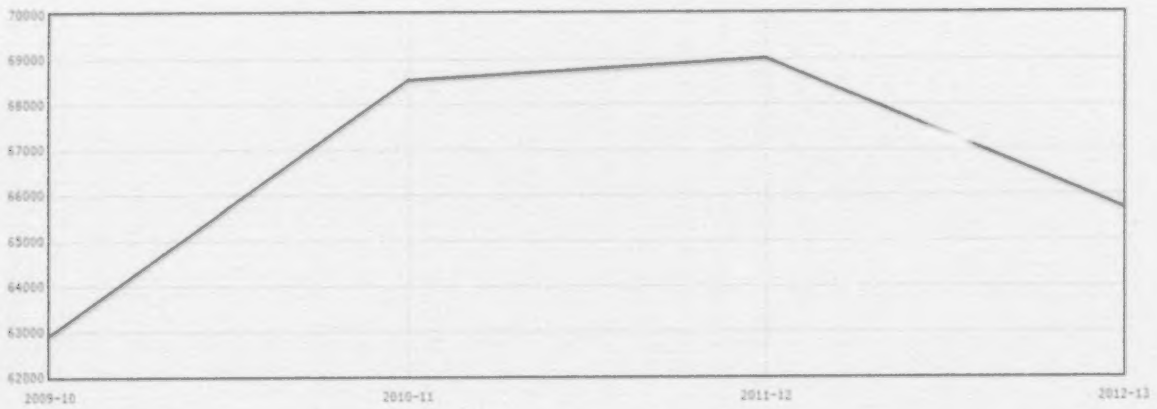
Figure 12 indicates the number of files and time spent by level of complexity for all litigation files handled over the past four years under the Regulatory Offences and Economic Crime Prosecution Program.

Figure 12



► *Mega/High Complexity # of P2 Files Table*

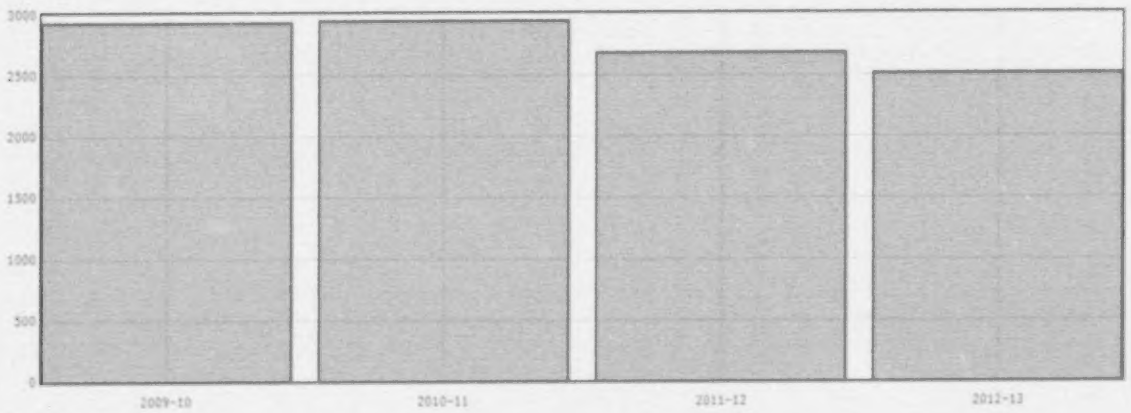
Mega/High Complexity P2 Time



# of Hours

▶ *Mega/High Complexity P2 Time Table*

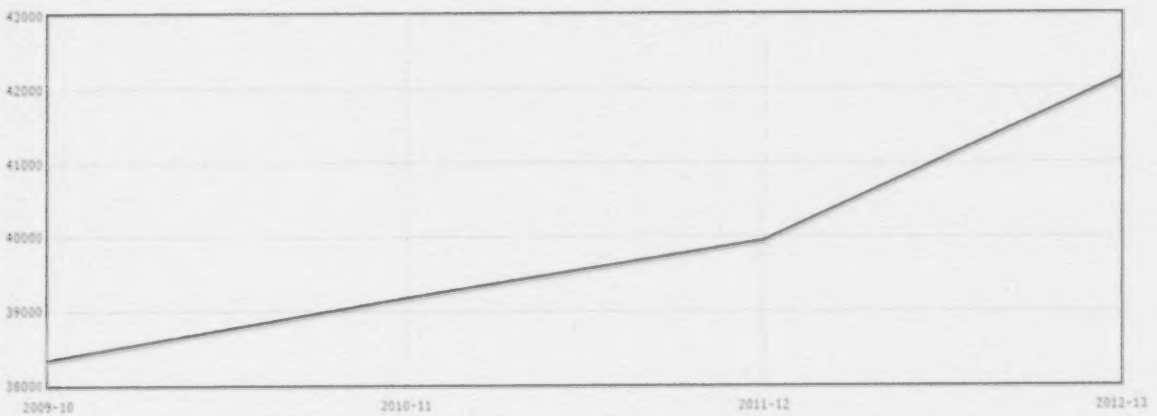
Moderate Complexity # of P2 Files



# of Files

▶ *Moderate Complexity # of P2 Files Table*

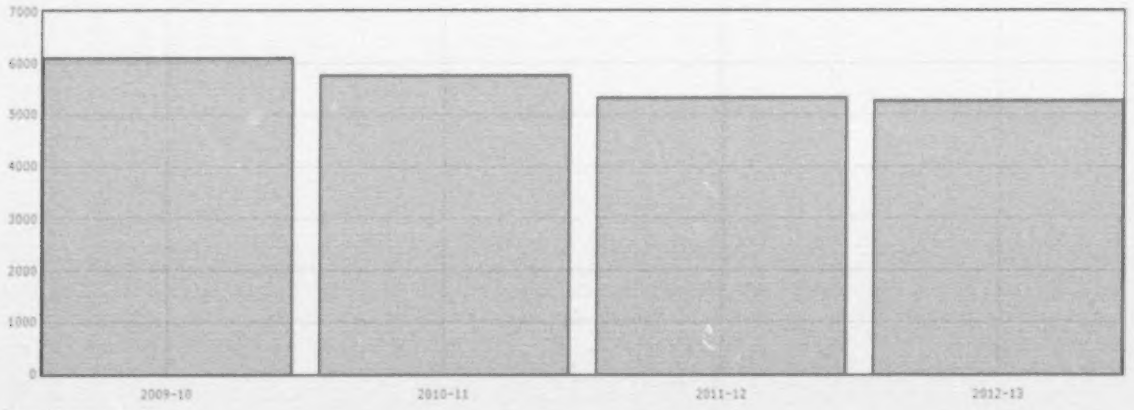
Moderate Complexity P2 Time



# of Hours

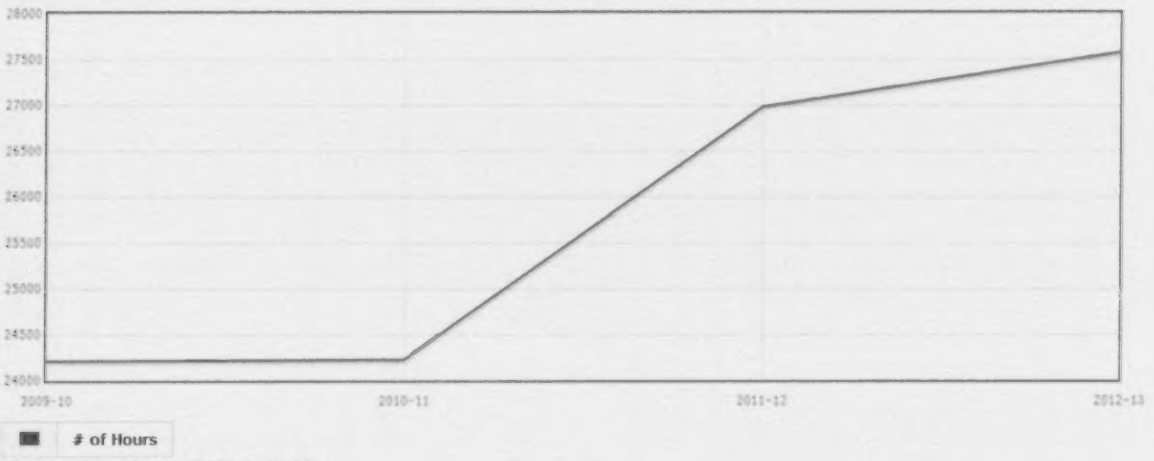
▶ *Moderate Complexity P2 Time Table*

Low Complexity # of P2 Files



► *Low Complexity # of P2 Files Table*

Low Complexity P2 Time



► *Low Complexity P2 Time Table*

Outcomes in these cases may result in large fines and penalties, and can result in remedial and preventative measures that enhance public health and safety, improve the management and protection of environmental resources, or discourage financial and economic malfeasance. In 2012–13, the PPSC handled 8,700 files involving regulatory and economic offences, of which 3,812 were carried over from previous years. Approximately $18 million in fines and surcharges were imposed by the courts.

Regulatory and economic prosecutions can be complex and resource-intensive. Because of the nature of these cases, specialized teams of prosecutors have been established in most regional offices.

The PPSC continued its major overhaul of the prosecution guidelines contained in the *FPS Deskbook*, a document originally published in 1993. The *Deskbook* provides federal prosecutors and agents with a set of guidelines and directives which all PPSC prosecutors must follow in the initiation and conduct of prosecutions. It is anticipated that the new *PPSC Deskbook* will be launched early in 2014. The *PPSC Deskbook* builds on the tradition of guidelines and principles laid out in the *FPS Deskbook*. The launch of the *PPSC Deskbook* will reaffirm to the media, the public and the legal community that the PPSC is an independent, transparent and autonomous prosecuting authority.

The organization also provided customized advanced and basic training to prosecutors through its School for Prosecutors. These courses enable participants to hone various skills, including written advocacy, maintaining wiretap designation, dealing with complex case issues, and review important topics and issues. A regulatory law issues training forum was also held in March 2013.

Also, the Securities Fraud and Economic Crime Prosecutors Affiliation created an education subcommittee which focuses on the training of prosecutors who handle capital market frauds. The subcommittee met to discuss funding, venues, possible topics. The affiliation is committed to organizing a face to face meeting and training session before the end of the fiscal year, if budget of respective members allow it.

The PPSC retains the services of private-sector lawyers as agents to conduct prosecutions where it does not have a regional office or

where it is impractical or otherwise not cost-effective for staff counsel to handle cases. In 2012–13, 41,741 files of the total PPSC caseload were handled by agents. The majority of files handled by agents are related to drug offences. Of these, 22,501 were new files and 19,240 were carried over from previous years. The Agent Affairs Program (AAP)[5] looks after the management of agents. Its objective is to ensure that agents provide quality legal services at a reasonable cost. Each of the PPSC's regional offices (with the exception of the Northern regional offices) has an Agent Supervision Unit to handle the day-to-day supervision of agents and to support them in their work.

The PPSC is contributing to the development of a shared website on economic crime by finalizing the drafting of a Memorandum of Understanding that will be circulated to Affiliation members for signature before the end of the year. Ultimately, the shared website will be accessible by prosecutors and other members of the Affiliation.

Internal Services

Financial Resources ($ millions)

	Total Budgetary Expenditures (Main Estimates) 2012–13	Planned Spending 2012–13	Total Authorities (available for use) 2012–13	Actual Spending (authorities used) 2012–13	Difference* (Planned vs Actual) 2012–13
Gross	24.8	30.2	31.3	26.7	3.5
Less Respendable revenues	0	1.6	0.5	0.5	1.1
Net	**24.8**	**28.6**	**30.8**	**26.2**	**2.4**

* The difference is mainly due to an increase to planned spending for the relocation of offices.

Human Resources (FTEs)

Planned 2012–13	Actual 2012–13	Difference 2012–13
149	115	34

Performance Analysis and Lessons Learned

The following are highlights for Internal Services. The Organizational Priorities in Section 1 provide additional performance highlights for security, engagement and employee development, and resourcing and performance measurement.

Finance and Acquisitions

The Finance and Acquisitions Directorate provides leadership, advice, and services in acquisition management, resource management, accounting management, policy, and quality assurance to the PPSC. In addition to fulfilling its ongoing commitments, the Directorate:

- implemented projects that streamlined business processes and enhanced forecasting and reporting (e.g., cost recovery, financial statements);
- developed and implemented an internal control framework that included controls over financial reporting, an action plan to address necessary adjustments, and remedial actions to correct identified weaknesses; and
- took over all financial management and acquisitions regional services that were formerly delivered by the Department of Justice Canada under a memorandum of understanding.

Information Management and Technology

The Information Management and Technology Directorate is responsible for the planning, management, and delivery of library, information management, information technology, and application services to all PPSC staff. In addition to providing ongoing operational services and overseeing those provided by the Department of Justice Canada and Shared Services Canada during 2012–13, the Directorate:

- established and negotiated support service agreements with Shared Services Canada;
- established a number of priority information management and information technology projects in support of the core function of the PPSC; and
- provided assistance with the planning of HQ and regional office relocation projects.

Section III: Supplementary Information

Financial Statements Highlights

Condensed Statement of Operations and Organizational Net Financial Position

Public Prosecution Service of Canada
Condensed Statement of Operations and Organizational Net Financial Position (Unaudited)
For the Year Ended March 31, 2013
($ millions)

	2012–13 Planned Results	2012–13 Actual	2011–12 Actual	$ Change (2012–13 Planned vs. Actual)	$ Change (2012–13 Actual vs. 2011–12 Actual)
Total expenses	203.7	193.4	190.0	10.3	3.4
Less Total net revenues	17.0	16.8	18.6	0.2	(1.8)
Net cost of operations before government funding and transfers	186.7	176.6	171.4	10.1	5.2
Net financial position		**(18.1)**	**(15.8)**		**(2.3)**

Condensed Statement of Financial Position

Public Prosecution Service of Canada
Condensed Statement of Financial Position (Unaudited)
As at March 31, 2013
($ millions)

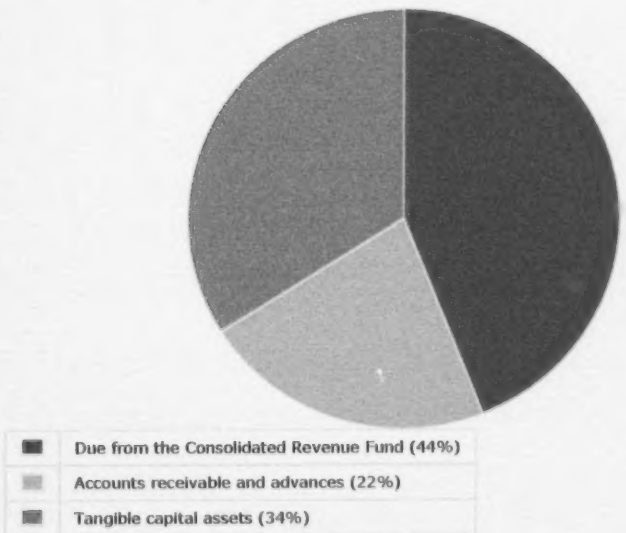
	2012–13	2011–12	$ Change
Total net liabilities	44.5	42.9	1.6
Less Total net financial assets	17.4	20.3	(2.9)
Net debt	27.1	22.6	4.5
Less Total non-financial assets	9.0	6.8	2.2
Net financial position	**(18.1)**	**(15.8)**	**(2.3)**

Financial Highlights-Graphs

Assets

The PPSC held, at the end of 2012-13, total net financial assets of $17.4 million consisting primarily of amounts due from the consolidated revenue fund ($11.7 million or 44%) and accounts receivable ($5.7 million or 22%). The PPSC also held non-financial assets totalling $9 million.

Assets by Type

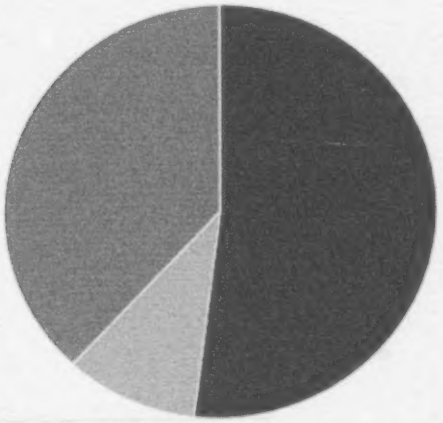


► *Assets by Type Table*

Liabilities

Liabilities arising from PPSC activities consisted of accounts payable and accrued liabilities of $23.1 million (or 52%), vacation pay and compensatory leave totalling $4.6 million (or 10%), and employee pay and benefits of $16.8 million (or 38%).

Liabilities by Type



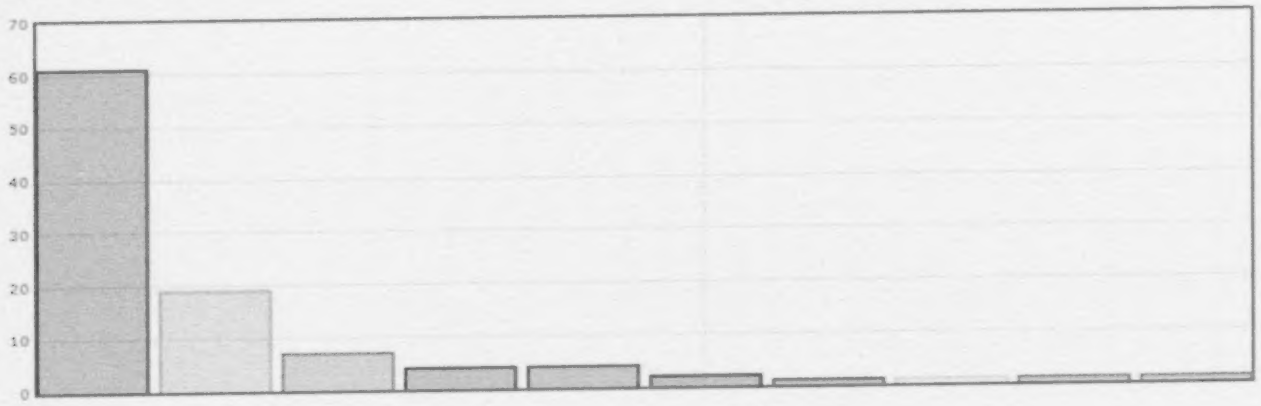
- Accounts payable and accrued liabilities (52%)
- Vacation pay and compensatory leave (10%)
- Employee future benefits (38%)

► *Liabilities by Type Table*

Expenses

Total expenses were $193.4 million, an increase of $3.4 million over the previous year's total expenses. Salary expenses represented $118.2 million (or 61% of total expenses), Crown agent fees totalled $36.5 million (or 19%), accommodation costs $12.7 million (or 7%) and other operating costs $26 million (or 13%).

Expenses by Type



- Salaries and employee benefits (61%)
- Professional and special services – Crown Agent Fees (19%)

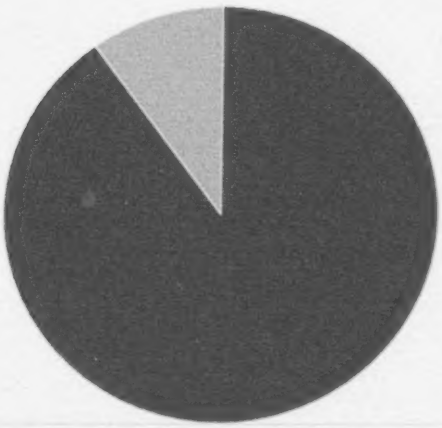
	Accommodation (7%)
	Professional and special services – Other (4%)
	Travel and relocation (4%)
	Communication (2%)
	Utilities, materials and supplies (1%)
	Amortization of tangible assets (1%)
	Information (1%)
	Others (1%)

► *Expenses by Type Table*

Revenues

Total revenues earned ($18.7 million) were primarily comprised of $16.8 million (or 90% of total revenues) in respendable revenues from the provision of prosecution services to other government departments and agencies and $1.9 million (or 10%) in non-respendable revenues from the collection of fines, forfeitures and court costs ($1.3 million) and the rent from residential housing provided to employees and other revenues ($0.6 million).

Revenues by Type



	Prosecution Services (respendable) (90%)
	Fines, forfeitures, and court cost (non-respendable) (10%)

► *Revenues by Type Table*

Financial Statements

The PPSC's financial statements can be found on its **website** under Publications.

Annual Expenditures for Travel, Hospitality and Conferences

As required by the Treasury Board **Directive for the Management of Expenditures on Travel, Hospitality and Conferences**, information on the PPSC's total annual expenditures for each of travel, hospitality and conferences for the fiscal year ending March 31, 2013 can be found on the **PPSC's website**.

Supplementary Information Tables

Electronic supplementary information tables can be found on the PPSC's website under **Publications**.

- **Internal Audits and Evaluations**
- **Sources of Respendable and Non-Respendable Revenue**

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates,

exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the ***Tax Expenditures and Evaluations*** publication. The tax measures presented in the Tax Expenditures and Evaluations publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

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Additional Information

The following publications are available at the PPSC's website at:

http://www.ppsc-sppc.gc.ca/eng/pub/index.html

Public Prosecution Service of Canada Annual Report 2012–13

The Federal Prosecution Service Deskbook

Public Prosecution Service of Canada Annual Report on the *Access to Information Act* 2012–13

Public Prosecution Service of Canada Annual Report on the *Privacy Act* 2012–13

1 *Office of the Director of Public Prosecutions* (ODPP) is the PPSC's legal title, whereas *Public Prosecution Service of Canada* (PPSC) is its applied title.

2 In New Brunswick, the RCMP acts as the provincial police and also provides police services to some municipalities.

3 The total number of files shown in Figure 3 exceeds 77,926 files since the percentages relate to offence types. Individual litigation files often include multiple offences falling under more than one offence type.

4 The role of Crown Witness Coordinators is to explain the criminal justice process to victims and witnesses, prepare them to testify in court and, where required, bridge the cultural gap between prosecutors, who are generally from southern Canada, and victims and witnesses from the North.

5 Although agents handle primarily drug prosecution files, the management of the AAP resides under the Regulatory Offences and Economic Crime Prosecution Program.

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